

LEGAL ACTION REPORT

**TUCSON POLICE PUBLIC SAFETY PERSONNEL
RETIREMENT SYSTEM BOARDS
MEETING OF MONDAY, JUNE 9, 2008
CITY OF TUCSON FINANCE DEPARTMENT CONFERENCE ROOM
FIFTH FLOOR OF CITY HALL 255 W. ALAMEDA, TUCSON, AZ
8:00 A.M.**

1. ROLL CALL

Police Board Members:

Robert Walkup	- Chair
Marion Pickens	- Member
Joe Ladenburg	- Member
Mike Gurr	- Member
JD Kragnes	- Member

2. POLICE CONSENT AGENDA: ITEMS A – I

A. MINUTES FOR APPROVAL – 05/13/08

B. PENSION PAYROLL – Deletion of Retirement Benefits for Carl Frankhouser in the amount of \$2,924.59 due to his death on May 21, 2008 and addition of Survivor Benefits for Natalie Frankhouser in the amount of \$2339.67. Deletion of Survivor Benefits for Barbara Crutchfield in the amount \$2405.33 due to her death on May 28, 2008. Addition of Normal Service Retirement for Michael Bannister out of DROP in the amount of \$4,148.61. Addition of Normal Service Retirement for Fred Cushman out of DROP in the amount of \$2,832.55 Addition of Normal Service Retirement for Jeffrey Schneider out of DROP in the amount of \$3,283.02. Addition of Normal Service Retirement for David Peron out of DROP in the amount of \$3,279.90.

C. SURVIVORS BENEFIT/CHILD'S BENEFIT
Natalie Frankhouser – Carl passed away on 05/21/08

D. NORMAL SERVICE RETIREMENT
Michael Bannister – Last day worked 05/30/08 – Pension effective 06/01/08
Fred Cushman – Last day worked 05/30/08 – Pension effective 06/01/08
Jeffrey Schneider – Last day worked 05/30/08 – Pension effective 06/01/08
David Peron – Last day worked 05/15/08 – Pension effective 06/01/08

- E. REDEMPTION OF PRIOR SERVICE
Timothy Egan – 0.958 years of prior service with the military in
The amount of \$50,117.00.
- F. TRANSFER OF SERVICE
Walter Pike – from City of Tucson Police to South Tucson Police
0.3696 years of service in the amount of \$719.88
Abel Samano – from City of Tucson Police to South Tucson Police
0.5065 years of service in the amount of \$1,149.22
Dennis Sutton – from Pima County to City of Tucson Police
7.5236 years of service in the amount of \$13,370.58
Alexander Yegorov – from Tucson Police to South Tucson Police
0.3587 years of service in the amount of \$785.52
- G. REDEMPTION OF PRIOR SERVICE
Paul Hawks – 4.000 years of service From Tarrant County, TX D.P.S.
in the amount of \$41,076.00
- H. EXPENDITURE STATEMENT IN THE AMOUNT OF \$ 650.00 FOR
PHYSICAL for Michael Conto, John Grady and James Monaco by Dr. Dennis
Thrasher at Sunnyside Medcenter
- I. RETAINER FEE OF \$400 PLUS COSTS-DAVID McEVOY, ATTORNEY

MOTION by Mr. Kragnes, seconded by Mr. Ladenburg that Police Board Items A – G is adopted as written and the appropriate action taken. Motion **CARRIED** by a roll call vote of 4-0. (Mr. Gurr absent/excused).

3. FIRE CONSENT AGENDA: ITEMS A – E

- A. MINUTES FOR APPROVAL – 05/13/08
- B. PENSION PAYROLL – Deletion of Normal Retirement Benefits for Paul Cook
and Deletion of split benefit for Judith Cook in the amount of \$3,484.72 and
addition of Survivor's benefit for Lucy Cook in the amount of \$2,787.78.
Addition of Normal Service Retirement for Rick L. Chitty out of DROP in the
amount of \$3,748.16.
- C. SURVIVORS BENEFIT/CHILD'S BENEFIT
Lucy Cook – Paul passed away on 05/20/08

D. NORMAL SERVICE RETIREMENT

Rick Chitty – Last day worked 05/30/08 – Pension effective 06/01/08

E. RETAINER FEE OF \$400 PLUS COSTS-DAVID McEVOY, ATTORNEY

This is a Fire board item no action necessary by the Police Board.

4. APPLICATION FOR DISABILITY PENSION

EXECUTIVE SESSION Discussion or consideration of records exempt by law from public inspection A.R.S. 38-431.03[2] and discussion or consultation for legal advice with attorney staff A.R.S. 38-431.03 (A [3 & 4])

Police – Attachments

Michael Conto - Permanent Accidental Disability Application

There was no executive session.

5. APPLICATION FOR DISABILITY RETIREMENT

Direction regarding Executive Session

Michael Conto - Permanent Accidental Disability Application

MOTION by Mr. Kragnes, seconded by Mr. Ladenburg that based on the medical evidence provided and letter by Dr. Thrasher the Board approve the application for permanent disability retirement for Mr. Michael Conto to be effective upon separation from the Police Department. Motion **CARRIED** by a roll call vote of 4-2. (Mr. Gurr absent/excused).

Mr. Kragnes thanked Mr. Conto on behalf of the Board and Citizens of Tucson for his service to Tucson.

6. APPLICATION FOR DISABILITY PENSION

EXECUTIVE SESSION Discussion or consideration of records exempt by law from public inspection A.R.S. 38-431.03[2] and discussion or consultation for legal advice with attorney staff A.R.S. 38-431.03 (A [3 & 4])

Police – Attachments

A. Kathryn Anderson – Permanent Accidental Disability Application

Charlotte Bilang – Permanent Accidental Disability Application

Lynn E. Sharp – Permanent Accidental Disability Application

- B.** Tanya Merrill – Permanent Accidental Disability Application

There was no executive session.

7. APPLICATION FOR DISABILITY RETIREMENT
Direction regarding Executive Session

Police

- A.** Kathryn Anderson – Permanent Accidental Disability Application
Charlotte Bilang – Permanent Accidental Disability Application
Lynn E. Sharp – Permanent Accidental Disability Application

- B.** Tanya Merrill – Permanent Accidental Disability Application

MOTION by Mr. Kragnes, seconded by Mr. Ladenburg that Mr. Ms. Anderson, Ms. Bilang, Ms. Sharp and Ms. Merrill make an appointment with the Board Physician for a review to determine if they are eligible for a Permanent Accidental Disability retirement. Motion **CARRIED** by a roll call vote of 4-0.

8. REQUEST FOR REHEARING ON APPLICATION FOR PERMANENT ACCIDENTAL DISABILITY PENSION
EXECUTIVE SESSION Discussion or consideration of records exempt by law from public inspection A.R.S. 38-431.03[2] and discussion or consultation for legal advice with attorney staff A.R.S. 38-431.03 (A [3 & 4])

Police - Attachments

Peggy Redman

There was no executive session.

9. REQUEST FOR REHEARING ON APPLICATION FOR PERMANENT ACCIDENTAL DISABILITY PENSION - Direction regarding Executive Session

Police

Peggy Redman

MOTION by Mr. Kragnes, seconded by Mr. Ladenburg that Mrs. Redman make an appointment with the Board Physician for a review to determine if she is eligible for a Permanent Accidental Disability retirement. Motion **CARRIED** by a roll call vote of 4-0. (Mr. Gurr absent/excused).

10. **CONSIDERATION OF RULE 17 – ANNUAL PHYSICAL EXECUTIVE SESSION** Discussion or consideration of records exempt by law from public inspection A.R.S. 38-431.03[2] and discussion or consultation for legal advice with attorney staff A.R.S. 38-431.03 (A [3 & 4])

Police – Attachments

Sean O’Brien – DOH: 12/27/93 DOR: 06/29/04 Date of Physical: 08/21/06

There was no executive session.

11. **CONSIDERATION OF RULE 17 – ANNUAL PHYSICAL Board Direction Regarding Executive Session**

Police

Sean O’Brien

MOTION by Mr. Kragnes, seconded by Mr. Ladenburg that in keeping with board policy to take a physical every other year that Mr. O’Brien is requested to take a physical with the Board Physician, Dr. Dennis Thrasher. Motion **CARRIED** by a roll call vote of 4-0. (Mr. Gurr absent/excused).

12. **COMPLIANCE WITH RULE 17 – ANNUAL PHYSICAL EXECUTIVE SESSION** Discussion or consideration of records exempt by law from public inspection A.R.S. 38-431.03[2] and discussion or consultation for legal advice with attorney staff A.R.S. 38-431.03 (A [3 & 4])

Police - Attachments

James Monaco

There was no executive session.

13. **COMPLIANCE WITH RULE 17 – ANNUAL PHYSICAL Board Direction Regarding Executive Session**

Police

James Monaco

MOTION by Mr. Kragnes, seconded by Mr. Garrison that Mr. James Monaco has complied with rule 17 and there is sufficient evidence that he continues to be eligible for a permanent accidental disability benefit based on the letter from Dr. Dennis Thrasher. Motion **CARRIED** unanimously. (Mr. Gurr absent/excused).

14. ELECTIONS

Police & Fire – update-

No action taken.

15. LEGISLATION

Police & Fire - attachments

No action taken.

16. FUND INFORMATION

Police & Fire

No action taken.

17. ADJOURNMENT 8:31 A.M.

MOTION by Mr. Kragnes, seconded by Mr. Ladenburg to adjourn. Motion **CARRIED** Unanimously.

The next regular meeting of the Tucson Police and Fire Public Safety Personnel Retirement System Boards is scheduled for **9:00 A.M.** on Tuesday, July 8, 2008, in the Finance Department Conference Room, Fifth floor of City Hall, 255 W. Alameda, Tucson, AZ.